

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE
APR 7 2005
DISTRICT OF MASS.

DOREL STEEL ERECTION CORPORATION,

Plaintiff,

v.

CAPCO STEEL CORPORATION,

Defendant,

and

CANAM STEEL CORPORATION,

Reach-and-apply Defendant.

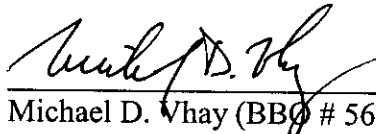
Civil Action No. 05-10627-WGY

NOTICE OF FILING OF CERTIFIED STATE COURT RECORD

Pursuant to Local Rule 81.1(a), reach-and-apply defendant Canam Steel Corporation hereby files a certified copy of the records and proceedings among the parties in the Superior Court of Norfolk County, Massachusetts.

CANAM STEEL CORPORATION,

By its attorney,

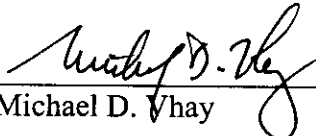


Michael D. Vhay (BB# # 566444)
DLA PIPER RUDNICK GRAY CARY US LLP
One International Place, 21st Floor
100 Oliver Street
Boston, MA 02110-2613
(617) 406-6000 (telephone)
(617) 406-6100 (fax)

Dated: April 6, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Notice of Filing of Certified State Court Record has been served upon counsel for all other parties by U.S. Mail on this 6th day of April, 2005.



Michael D. Vhay

NORFOLK SUPERIOR COURT

Case Summary

Civil Docket

03/31/2005

11:43 AM

NOCV2005-00502

05-10627

Dorel Steel Erection Corporation v Capco Steel Corporation

File Date	03/22/2005	Status	Disposed: transfered to other court (dtrans)
Status Date	03/31/2005	Session	D - Non Jury-CtRm 8
Origin	1	Case Type	A12 - Construction dispute
Lead Case		Track	A

Service	06/20/2005	Answer	08/19/2005	Rule 12/19/20	08/19/2005
Rule 15	06/15/2006	Discovery	05/11/2007	Rule 56	07/10/2007
Final PTC	11/07/2007	Disposition	03/21/2008	Jury Trial	Unknown

PARTIES

Plaintiff

Dorel Steel Erection Corporation
Active 03/22/2005

Private Counsel 422200

Charles A Roberts
254 Main Street
P.O. Box 290009
Charlestown, MA 02129
Phone: 781-729-4765
Fax: 781-729-9329
Active 03/22/2005 Notify

Defendant

Capco Steel Corporation
Service pending 03/22/2005

Reach & Apply Defendant

Canam Steel Corporation
Active 03/22/2005

Private Counsel 566444

Michael D Vhay
DLA Piper Rudnick GRAY CARY US LLP
One International Place
Boston, MA 02110-2613
Phone: 617-406-6000
Fax: 617-406-6100
Active 03/31/2005 Notify

ENTRIES

Date	Paper	Text
03/22/2005	1.0	Complaint filed \$275.00 entry fee paid
03/22/2005		Origin 1, Type A12, Track A.
03/22/2005	2.0	Civil action cover sheet filed
03/22/2005	3.0	plff's motion for temporary restraining order-TRO granted under prayer B. O/N to issue on P.I.(see order)-returnable Thursday, March 31,2005 at 2:00P.M.(Murphy,J.) (90.00 fee paid)
03/22/2005	4.0	temporary restraining order(Murphy, J.)
03/22/2005		average track notice sent to plff's attorney
03/29/2005		ONE TRIAL review by Clerk, Case is to remain in the Superior Court
03/30/2005	5.0	Certificate of service regarding tracking order

NORFOLK SUPERIOR COURT

Case Summary

Civil Docket

03/31/2005

11:43 AM

NOCV2005-00502

Dorel Steel Erection Corporation v Capco Steel Corporation

Date	Paper	Text
03/31/2005	6.0	Deft. Capco Steel Corporation and Reach and Apply Deft. Canam Steel Corporation's Notice of Removal to US District Court of MA cs

Date	Session	Event	Result
03/31/2005	Civil A-CtRm 10	Motion/Hearing: order of notice return on O/N for hearing on preliminary injunction	Event canceled not re-scheduled

A TRUE COPY

Attest:

Mary E. Kenney
Deputy Assistant Clerk

3/31/05

1.2

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no.

05 00502

Dorel Steel Erection Corporation)
Plaintiff)

vs.)

Capco Steel Corporation)
Defendant)

and)

Canam Steel Corporation)
Reach and Apply Defendant)

RECEIVED & FILED
CLERK OF THE COURTS
NORFOLK COUNTY

Verified Complaint

Count I - Breach of Contract

1. Dorel Steel Erection Corporation ("Dorel") is a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and maintains its principal place of business at 33 Fayette Street, Quincy, Massachusetts.
2. Capco Steel Corporation ("Capco") is a corporation duly organized and existing under the laws of the State of Rhode Island and maintains its principal place of business at 33 Acorn Street, Providence, Rhode Island.
3. In an agreement entitled "Memorandum of Understanding" ("the Contract") dated July 19, 2001, Capco entered into a contract with Dorel and two other parties: James F. Stearns Company ("Stearns") and Prime Steel Corporation ("Prime").
4. This contract recited that Capco had entered into a subcontract with Canam Steel Corporation to perform certain construction work on a building identified therein as the "Boston Convention and Exhibition Center" ("the Project").
5. It further recited that Capco was thereby entering into sub-subcontracts with Dorel, Stearns and Prime whereby each of the four companies (Capco, Dorel, Stearns and Prime) would perform one-quarter of the work of the Canam/Capco subcontract on the Project in exchange for \$8,750,000.00 each.
6. Pursuant to paragraph 4.3 of the Contract, Capco was to be the "Administrative Project Manager" of the Project.

7. Pursuant to paragraph 3 of the Contract all laborers on the Project were to be employees of Capco.
8. Pursuant to paragraph 6 of the Contract, Capco was to keep the books and records for the Project. Pursuant to subparagraph 6.1, an audit was to be made at the completion of the Project.
9. Pursuant to paragraph 7 of the Contract, interim distributions were to be made for expenses and at the conclusion of the Project profits or losses were to be determined and apportioned and paid within sixty days of the completion of the Project.
10. Dorel has completed its work upon the project and, upon information and belief, so have the other sub-subcontractors. More than sixty days have elapsed since final completion.
11. Capco has refused or neglected to provide a full and final accounting to Dorel.
12. According to incomplete accountings provided by Capco to Dorel, Dorel believes that it is owed at least \$400,000.00 by Capco.

Wherefore, Dorel Steel Erection Corporation demands an accounting from Capco Steel Erection Corporation and judgment for the appropriate amount pursuant to their agreement.

Count II - *Quantum Meruit*

13. Paragraphs one through ten of Count I are republished herein as though written out in full.
14. Dorel delivered certain goods to and performed certain services for Capco on the Project, which accepted and made use of same.
15. Client is therefore entitled to recover said sum from Capco on the theory of *quantum meruit*.

Wherefore, Dorel demands judgment from Capco in the amount of its damages plus costs and interest.

Count Three — Reach and Apply Relief

16. The Reach and Apply Defendant, Canam Steel Corporation, ("Canam") is an corporation organized and existing under the laws of the State of Delaware and maintains a place of business at 4010 Clay Street, P.O. Box C-285, Point of Rocks, MD 21777.

17. According to the records of the Department of Corporations of the Secretary of the Commonwealth, Canam has registered to do business within the Commonwealth and has designated CT Corporation System of 1010 Federal Street, Boston, MA 02110, as its Resident Agent to accept service of process.
18. The Plaintiff is informed and believes that Capco is or will become owed money from Canam for the Project and possibly on other projects. Said assets are not subject to attachment or to be taken on execution.
19. Pursuant to G.L. c. 213, §3(6), the Plaintiff seeks to reach and apply any such funds due or to become due from Canam.
20. The Plaintiff is reliably informed and believes that Capco has failed or refused to pay other suppliers of labor and/or materials on this and other projects and knows that Capco has failed or refused to pay Dorel on this and several other projects.
21. The Plaintiff would suffer immediate and irreparable injury, loss, or damage should the temporary restraining order/preliminary injunction sought herein is not granted.
22. The Plaintiff does not have an adequate remedy at law.

Wherefore, the Plaintiff prays that this Honorable Court provide the following relief.

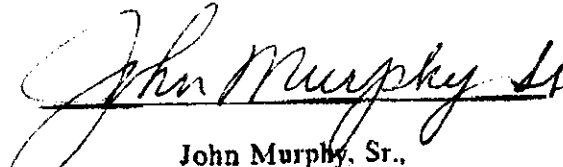
- A. enter judgment for Dorel Steel Erection Corporation against Capco Steel Corporation in the amount of \$400,000.00 or in such other sum as determined by the Court;
- B. issue a temporary restraining order prohibiting the reach and apply defendant, Canam Steel Corporation from paying or in any way withdrawing, assigning, encumbering, or alienating any of the funds due or to become due to the Defendant, Capco Steel Corporation;
- C. after notice and hearing, issue a preliminary injunction prohibiting the reach and apply defendant, Canam Steel Corporation from paying or in any way withdrawing, assigning, encumbering, or alienating any of the funds due or to become due to the Defendant, Capco Steel Corporation;
- D. determine the amount due from Capco Steel Corporation to Dorel Steel Erection Corporation to be \$400,000.00 or such other sum as determined by the Court plus costs and attorney's fees;
- E. order that said amount be reached and applied in satisfaction of the indebtedness from Capco Steel Corporation to Dorel Steel Erection Corporation.

F. for such further relief as to the Court may seem meet and just.

Verification

I, John Murphy, Sr., do hereby swear under pain and penalties of perjury that I am the president Plaintiff herein, that I have read the foregoing Complaint, and that the allegations contained therein are true to the best of my knowledge, information, and belief.

Signed this 21st day of MARCH, 2005.



John Murphy, Sr.,
President of Dorel Steel Erection Corporation

Commonwealth of Massachusetts
County of Norfolk, SS.

March 21, 2005

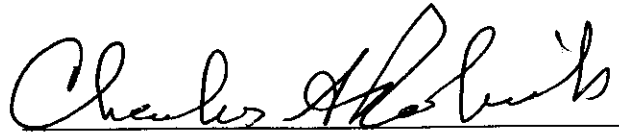
Then personally appeared the above-named individual and made oath that the statements contained herein are true to the best of his knowledge, information, and belief.



Notary Public
My Commission Expires:

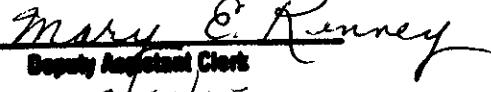
8/14/09

By Its Attorney,

A handwritten signature in cursive script, appearing to read "Charles A. Roberts", written over a horizontal line.

Charles A. Roberts, Esq.
BBO No. 422200
Law Offices of Scott W. Wynn
BBO No. 551063
254 Main Street
P.O. Box 290009
Charlestown, MA 02129
Telephone (617) 241-5544
Telefax (617) 242-7675

A TRUE COPY

Attest: 
Deputy Assistant Clerk
3/31/05



The Commonwealth of Massachusetts

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: _____	Docket Number 05 6050
---------------------------------	--	--

PLAINTIFF(S) Corporation	DEFENDANT(S) Corporation et al.
---------------------------------	--

ATTORNEY FIRM NAME, ADDRESS AND TELEPHONE MA 02129 (617) 241-5544 551063 Board of Bar Overseers number:	ATTORNEY (if known)
--	----------------------------

Origin code and track designation

Place an x in one box only:

<input checked="" type="checkbox"/> 1. F01 Original Complaint	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
<input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) (F)	<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X)
<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 6. E10 Summary Process Appeal (X)

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
A12	Construction dispute	A	() Yes (X) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages or

TORT CLAIMS
(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses	\$.....
2. Total Doctor expenses	\$.....
3. Total chiropractic expenses	\$.....
4. Total physical therapy expenses	\$.....
5. Total other expenses (describe)	\$.....
Subtotal	\$.....

B. Documented lost wages and compensation to date \$.....

C. Documented property damages to date \$.....

D. Reasonably anticipated future medical and hospital expenses \$.....

E. Reasonably anticipated lost wages \$.....

F. Other documented items of damages (describe) \$.....

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

A TRUE COPY
Attest: Mary E. Kenney
Deputy Assistant Clerk
3/31/05

TOTAL: \$.....

CONTRACT CLAIMS
(Attach additional sheets as necessary)

Provide a detailed description of claim(s) \$400.00

TOTAL \$.....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record: Charles A. Roberts DATE: 3/22/05

A CIVIL ACTION COVER SHEET MUST BE FILED WITH EACH COMPLAINT, BUFF COLOR PAPER.
FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY
MAY RESULT IN DISMISSAL OF THIS ACTION.

40

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT
CIVIL ACTION
NO.0 5-502

Dorel Steel Erection Corp.
Plaintiff

Vs.

Capco Steel Corp.
Defendant

And
Canam Steel Corp.
Reach and Apply
Defendant

RECEIVED & FILED
3/22/05
NORFOLK COUNTY

TEMPORARY RESTRAINING ORDER

This action came before Murphy, J, ex parte, Upon consideration,

IT IS ORDERED THAT:

The Reach and Apply Defendant, Canam Steel Corp., is Temporarily Restrained from paying ,or in any way, withdrawing, assigning, encumbering, or alienating any of the funds due, or to become due, to the Defendant, Capco Steel Corp.

UNTIL ~~Wednesday~~ ^{THURSDAY} March ~~22~~ ³¹, 2005 at 2:00 p.m..

By the Court (Murphy J.)

Entered:

Mar 22, 2005

George Benke
Assistant Clerk

A TRUE COPY

Attest:

Mary E. Keane
Deputy Assistant Clerk

3/31/05

5.0

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no. NOCV2005-00502-D

Dorel Steel Erection Corporation
Plaintiff

vs.

Capco Steel Corporation
Defendant

and

Canam Steel Corporation
Reach and Apply Defendant

RECEIVED & FILED
CLERK OF THE COURTS
NORFOLK COUNTY
3/30/05

Certificate of Service


I, Charles A. Roberts, do hereby certify that I have mailed, postage prepaid, a copy of the foregoing to Counsel for the Defendant, Capco Steel Corporation:

Girard R. Visconti, Esq.
Visconti and Boren Ltd.
55 Dorrence Street
Providence, R.I. 02903-2219



Charles A. Roberts

Dated: March 29, 2005

A TRUE COPY
Attest: 
Deputy Assistant Clerk
3/31/05

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No. 05-00502

DOREL STEEL ERECTION CORPORATION,

Plaintiff,

v.

CAPCO STEEL CORPORATION,

Defendant (Petitioner for Removal),

and

CANAM STEEL CORPORATION,

Reach-and-apply Defendant (Petitioner for
Removal).

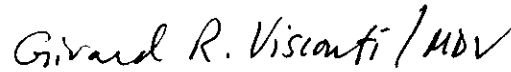
NOTICE OF FILING OF NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(d), defendant Capco Steel Corporation and reach-and-apply defendant Canam Steel Corporation hereby give notice to the Superior Court of Norfolk County, Massachusetts and to Charles A. Roberts, Esq., counsel to the plaintiff, that they have filed a Notice of Removal, thereby removing the above-captioned action to the United States District Court for the District of Massachusetts.

the Clerk of the Norfolk Superior Court and served upon counsel for Dorel.

CAPCO STEEL CORPORATION,

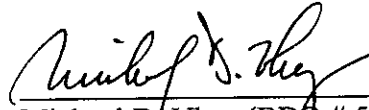
By its attorney,



Girard R. Visconti
VISCONTI & BOREN, LTD.
55 Dorrance Street
Providence, RI 02903
(401) 331-3800 (telephone)
(401) 421-9302 (fax)

CANAM STEEL CORPORATION,

By its attorney,

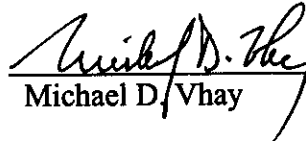


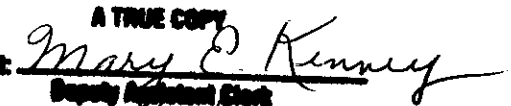
Michael D. Vhay (BBO # 566444)
DLA PIPER RUDNICK GRAY CARY US LLP
One International Place, 21st Floor
100 Oliver Street
Boston, MA 02110-2613
(617) 406-6000 (telephone)
(617) 406-6100 (fax)

Dated: March 30, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Notice of Removal has been served upon counsel for all other parties by U.S. Mail on this 30th day of March, 2005.

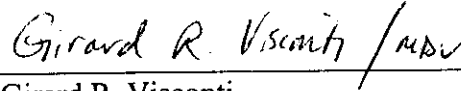

Michael D. Vhay

A TRUE COPY
Attest: 
Deputy Assistant Clerk
3/31/05

A copy of the Notice of Removal (but not its exhibit) is attached to this Notice.

CAPCO STEEL CORPORATION,

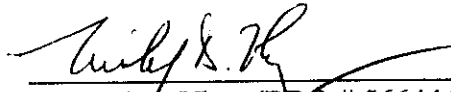
By its attorney,



Girard R. Visconti
VISCONTI & BOREN, LTD.
55 Dorrance Street
Providence, RI 02903
(401) 331-3800 (telephone)
(401) 421-9302 (fax)

CANAM STEEL CORPORATION,

By its attorney,

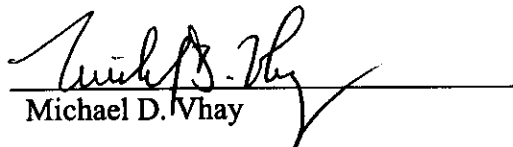


Michael D. Vhay (BBO # 566444)
DLA PIPER RUDNICK GRAY CARY US LLP
One International Place, 21st Floor
100 Oliver Street
Boston, MA 02110-2613
(617) 406-6000 (telephone)
(617) 406-6100 (fax)

Dated: March 30, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Notice of Filing of Notice of Removal has been served upon counsel for all other parties by U.S. Mail on this 30th day of March, 2005.



Michael D. Vhay

defendants is a citizen of Massachusetts, and defendants, in good faith, believe that the amount in controversy exceeds \$75,000.

B. Diversity of Citizenship

5. Plaintiff Dorel is a Massachusetts corporation with its principal place of business in Quincy, Massachusetts. Dorel is thus a citizen of the Commonwealth of Massachusetts.

6. Defendant Capco is a Rhode Island corporation with its principal place of business in Providence, Rhode Island. Capco is thus a citizen of the State of Rhode Island.

7. Reach-and-apply defendant Canam is a Delaware corporation with its principal place of business in Point of Rocks, Maryland. Canam is thus a citizen of the States of Delaware and Maryland, and there is complete diversity of citizenship between the plaintiff and the defendants in this action.

C. Jurisdictional Amount

8. Dorel's Verified Complaint alleges that Dorel "is owed at least \$400,000.00 by Capco." Verified Complaint at ¶ 12. That amount well exceeds the minimum established under 28 U.S.C. § 1332.

D. Notice to State Court

9. Pursuant to 28 U.S.C. § 1446, a copy of this Notice of Removal will be filed with

6.0

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

I hereby certify that the foregoing document is a true and correct copy of the original filed with the court.
☒ electronic filing
☒ electronic filing
☒ original filing
Sarah A. [unclear]
Clerk
District of Massachusetts

By: _____
Deputy Clerk

5-502

NOTICE OF REMOVAL

DOREL STEEL ERECTION CORPORATION,
Plaintiff,
v.
CAPCO STEEL CORPORATION,
Defendant (Petitioner for Removal),
and
CANAM STEEL CORPORATION,
Reach-and-apply Defendant (Petitioner for Removal).

05-10627 WGY

TO: Civil Clerk's Office, United States District Court for the
District of Massachusetts
U.S. Courthouse
One Courthouse Way
Boston, MA 02110

Clerk, Superior Court Department of the Trial Court
Norfolk County Court House
650 High Street
Dedham, MA 02026

Charles A. Roberts, Esq.
Law Offices of Scott W. Wynn
254 Main Street
Charlestown, MA 02129

3/31/05
RECEIVED & FILED
CLERK OF THE COURTS
NORFOLK COUNTY

Defendant Capco Steel Corporation ("Capco") and reach-and-apply defendant Canam Steel Corporation ("Canam"; together with Capco, the "Defendants"), by their undersigned attorneys, and pursuant to 28 U.S.C. § 1446, give notice that they remove the above-captioned

case presently pending in the Superior Court Department of the Trial Court of Norfolk County, Commonwealth of Massachusetts.

Removal is authorized by 28 U.S.C. § 1441 and is based upon the United States District Court's original jurisdiction over the case pursuant to 28 U.S.C. § 1332, because it is a civil action in which the parties are citizens of different states and, upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs. In support of this Notice, Defendants state:

A. Background

1. This case was commenced on or about March 22, 2005, when plaintiff Dorel Steel Erection Corporation ("Dorel") filed a complaint in the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts, Norfolk County. Copies of the process, pleadings, and orders served upon Defendants and the docket sheet in the Superior Court action are attached to this Notice as Exhibit 1.

2. Capco was served with a Summons and Restraining Order and a copy of Dorel's Verified Complaint on or about March 24, 2005. Canam was served with the same materials on March 25, 2005. The time within which Defendants are allowed to remove this action to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. § 1446, has not expired.

3. Dorel's Verified Complaint asserts claims against Capco breach of contract and quantum meruit. The Verified Complaint asserts a reach-and-apply claim against Canam.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 because there is diversity of citizenship between the plaintiff and all defendants, none of the

**Commonwealth of Massachusetts
NORFOLK SUPERIOR COURT
Case Summary
Civil Docket**

Dorel Steel Erection Corporation v Capco Steel Corporation

Details for Docket: NOCV2005-00502

Case Information

Docket Number:	NOCV2005-00502	Caption:	Dorel Steel Erection Corporation v Capco Steel Corporation
Filing Date:	03/22/2005	Case Status:	Needs review for service
Status Date:	03/22/2005	Session:	Non Jury-CtRm 8
Lead Case:	NA	Case Type:	Most

Tracking Deadlines

TRK:	A	Discovery:	05/11/2007
Service Date:	06/20/2005	Disposition:	03/21/2008
Rule 15:	06/15/2006	Rule 12/19/20:	08/19/2005
Final PTC:	11/07/2007	Rule 56:	07/10/2007
Answer Date:	08/19/2005	Jury Trial:	NO

Case Information

Docket Number:	NOCV2005-00502	Caption:	Dorel Steel Erection Corporation v Capco Steel Corporation
Filing Date:	03/22/2005	Case Status:	Needs review for service
Status Date:	03/22/2005	Session:	Non Jury-CtRm 8
Lead Case:	NA	Case Type:	Construction dispute

Tracking Deadlines

TRK:	A	Discovery:	05/11/2007
Service Date:	06/20/2005	Disposition:	03/21/2008
Rule 15:	06/15/2006	Rule 12/19/20:	08/19/2005
Final PTC:	11/07/2007	Rule 56:	07/10/2007
Answer Date:	08/19/2005	Jury Trial:	NO

Parties Involved

3 Parties Involved in Docket: NOCV2005-00502

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT
CIVIL ACTION
NO. 05-502

Dorel Steel Erection Corp.
Plaintiff

Vs.

Capco Steel Corp.
Defendant

And
Canam Steel Corp.
Reach and Apply
Defendant

TEMPORARY RESTRAINING ORDER

This action came before Murphy, J. ex parte. Upon consideration,

IT IS ORDERED THAT:

The Reach and Apply Defendant, Canam Steel Corp., is Temporarily Restrained from paying, or in any way, withdrawing, assigning, encumbering, or alienating any of the funds due, or to become due, to the Defendant, Capco Steel Corp.

THURSDAY 31
UNTIL Wednesday, March 22, 2005 at 2:00 p.m..

By the Court (Murphy, J.)

Entered:

Mar 22, 2005

Assistant Clerk

A TRUE COPY

Attest:

Deputy Assistant Clerk

3/22/05

Party Involved:		Role:	Defendant
Last Name:	Capco Steel Corporation	First Name:	
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Plaintiff
Last Name:	Dorel Steel Erection Corporation	First Name:	
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Reach & Apply Defendant
Last Name:	Canam Steel Corporation	First Name:	
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Attorneys Involved

1 Attorneys Involved for Docket: NOCV2005-00502

Attorney Involved:		Firm Name:	
Last Name:	Roberts	First Name:	Charles A
Address:	254 Main Street	Address:	P.O. Box 290009
City:	Charlestown	State:	MA
Zip Code:	02129	Zip Ext:	
Telephone:	781-729-4765	Tel Ext:	
Fascimile:	781-729-9329	Representing:	Dorel Steel Erection Corporatic (Plaintiff)

Calendar Events

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT
CIVIL ACTION

NO. 05-502

DOREL STEEL ERECTION CORPORATION, Plaintiff(s)

v.

CAPCO STEEL CORPORATION, Defendant(s)

CANAM STEEL CORPORATION, Reach and Apply Defendant

SUMMONS AND RESTRAINING ORDER

To the above-named Defendant:

You are hereby summoned and required to serve upon Charles A. Roberts, Esq. of, Law Office of Scott W. Wynn, 254 Main St., PO Box 290009, Charlestown, MA 02129, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Dedham either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the complaint, for a preliminary injunction and that a hearing upon such application will be held at the court house at said Dedham — ~~at Boston in the county of Suffolk~~ in the first session with-
out jury of our said court on Thursday the 1st day of March A.D. 2005 at 2:00 P.M. clock ~~A.M.~~, at which you may appear and show cause why such application should not be granted.

In the meantime, until such hearing, WE COMMAND YOU, said Defendant and your agents, attorneys and counsellors, and each and every one of them, to desist and refrain from

(SEE ATTACHED)

WITNESS, SUZANNE V. DELVECCHIO, Esquire, at
WITNESS, ROBERT L. STEADMAN, Esquire, at

the day of , in the year of our Lord one thousand

nine hundred and ninety

RECEIVED

APR 25 2005

- NOTES:
1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
 2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

1 Calendar Events for Docket: NOCV2005-00502

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status
1	03/31/2005	14:00	Motion/Hearing: order of notice	A	

Full Docket Entries

9 Docket Entries for Docket: NOCV2005-00502

Entry Date:	Paper No:	Docket Entry:
03/22/2005	1	Complaint filed \$275.00 entry fee paid
03/22/2005		Origin 1, Type A12, Track A.
03/22/2005	2	Civil action cover sheet filed
03/22/2005	3	plff's motion for temporary restraining order-TRO granted under
03/22/2005	3	prayer B. O/N to issue on P.I.(see order)-returnable Thursday, March
03/22/2005	3	31,2005 at 2:00P.M.(Murphy,J.) (90.00 fee paid)
03/22/2005	4	temporary restraining order(Murphy, J.)
03/22/2005		average track notice sent to plff's attorney
03/29/2005		ONE TRIAL review by Clerk, Case is to remain in the Superior Court

By Its Attorney,

A handwritten signature in cursive script, appearing to read "Charles A. Roberts", is written over a horizontal line.

Charles A. Roberts, Esq.
BBO No. 422200
Law Offices of Scott W. Wynn
BBO No. 551063
254 Main Street
P.O. Box 290009
Charlestown, MA 02129
Telephone (617) 241-5544
Telefax (617) 242-7675

The Commonwealth of Massachusetts

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: _____	Docket Number _____												
PLAINTIFF(S) <u>_____ Corporation</u>		DEFENDANT(S) <u>_____ Corporation et al.</u>												
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE <u>MA 02129 (617) 241-5544 551063</u>		ATTORNEY (if known) _____												
Board of Bar Overseers number: _____														
<u>Origin code and track designation</u> Place an x in one box only:														
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X) </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript/relief from judgment/Order Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X) </td> </tr> </table>			<input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript/relief from judgment/Order Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)										
<input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript/relief from judgment/Order Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)													
CODE NO. A12	TYPE OF ACTION AND TRACK DESIGNATION (See reverse side) TYPE OF ACTION (specify) <u>Construction dispute</u> TRACK <u>^</u>	IS THIS A JURY CASE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No												
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.														
TORT CLAIMS (Attach additional sheets as necessary)														
A. Documented medical expenses to date: <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">1. Total hospital expenses</td> <td style="width: 20%; text-align: right;">\$</td> </tr> <tr> <td>2. Total Doctor expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>3. Total chiropractic expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>4. Total physical therapy expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>5. Total other expenses (describe)</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: right;">Subtotal</td> <td style="text-align: right;">\$</td> </tr> </table>			1. Total hospital expenses	\$	2. Total Doctor expenses	\$	3. Total chiropractic expenses	\$	4. Total physical therapy expenses	\$	5. Total other expenses (describe)	\$	Subtotal	\$
1. Total hospital expenses	\$													
2. Total Doctor expenses	\$													
3. Total chiropractic expenses	\$													
4. Total physical therapy expenses	\$													
5. Total other expenses (describe)	\$													
Subtotal	\$													
B. Documented lost wages and compensation to date														
C. Documented property damages to date														
D. Reasonably anticipated future medical and hospital expenses														
E. Reasonably anticipated lost wages														
F. Other documented items of damages (describe)														
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)														
TOTAL: \$														
CONTRACT CLAIMS (Attach additional sheets as necessary)														
Provide a detailed description of claim(s) _____ and Defendant has failed to account and pay over the profits.														
TOTAL \$ 400,000														
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT														
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."														
Signature of Attorney of Record <u>Charles A. West</u>		DATE <u>3/22/05</u>												

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no. 05-502

Dorel Steel Erection Corporation)
Plaintiff)
vs.)
Capco Steel Corporation)
Defendant)
and)
Canam Steel Corporation)
Reach and Apply Defendant)

Notice of Hearing for Plaintiff's Motion for Preliminary Injunction

1. You are hereby notified that a Complaint has been filed in this Court by the Plaintiff seeking judgment against you.
2. You are also hereby notified that a Motion has been filed by the Plaintiff for a Temporary Restraining Order, a copy of which is included herewith, by the Court.
3. A copy of Motion for Preliminary Injunction with its appended Affidavit is herewith served upon you.
4. Said Motion has been marked for hearing before the Court on March 31, 2005, at 2:00 p.m., in the motion session of the above-named court.
5. You are entitled to appear at said time and place to be heard on the allowance or denial of this Motion.
6. You are hereby informed that by appearing to be heard on this Motion for Preliminary Injunction you will not thereby submit yourself to the jurisdiction of the Court, nor waive service of the Summons and Complaint upon you in the manner provided for by law.

RECEIVED

MAR 25 2005

STEEL CORPORATION
STEEL DIVISION

RECEIVED

APR 25 2005

COMMONWEALTH OF MASSACHUSETTS
DEPT. OF REVENUE
STEEL DIVISION

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no.

Dorel Steel Erection Corporation)
Plaintiff)
)
vs.)
)
Capco Steel Corporation)
Defendant)
and)
)
Canam Steel Corporation)
Reach and Apply Defendant)

Verified Complaint

Count I - Breach of Contract

1. Dorel Steel Erection Corporation ("Dorel") is a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and maintains its principal place of business at 33 Fayette Street, Quincy, Massachusetts.
2. Capco Steel Corporation ("Capco") is a corporation duly organized and existing under the laws of the State of Rhode Island and maintains its principal place of business at 33 Acorn Street, Providence, Rhode Island.
3. In an agreement entitled "Memorandum of Understanding" ("the Contract") dated July 19, 2001, Capco entered into a contract with Dorel and two other parties: James F. Stearns Company ("Stearns") and Prime Steel Corporation ("Prime").
4. This contract recited that Capco had entered into a subcontract with Canam Steel Corporation to perform certain construction work on a building identified therein as the "Boston Convention and Exhibition Center" ("the Project").
5. It further recited that Capco was thereby entering into sub-subcontracts with Dorel, Stearns and Prime whereby each of the four companies (Capco, Dorel, Stearns and Prime) would perform one-quarter of the work of the Canam/Capco subcontract on the Project in exchange for \$8,750,000.00 each.
6. Pursuant to paragraph 4.3 of the Contract, Capco was to be the "Administrative Project Manager" of the Project.

04/28/2005 14:12

6172427675

SCOTT W. WYNN

Signed this 23rd day of May, 2005.

under pain and penalties of perjury.

John Murphy, Sr.

John Murphy, Sr.,
President of Dorel Steel Erection Corporation

7. Pursuant to paragraph 3 of the Contract all laborers on the Project were to be employees of Capco.
8. Pursuant to paragraph 6 of the Contract, Capco was to keep the books and records for the Project. Pursuant to subparagraph 6.1, an audit was to be made at the completion of the Project.
9. Pursuant to paragraph 7 of the Contract, interim distributions were to be made for expenses and at the conclusion of the Project profits or losses were to be determined and apportioned and paid within sixty days of the completion of the Project.
10. Dorel has completed its work upon the project and, upon information and belief, so have the other sub-subcontractors. More than sixty days have elapsed since final completion.
11. Capco has refused or neglected to provide a full and final accounting to Dorel.
12. According to incomplete accountings provided by Capco to Dorel, Dorel believes that it is owed at least \$400,000.00 by Capco.

Wherefore, Dorel Steel Erection Corporation demands an accounting from Capco Steel Erection Corporation and judgment for the appropriate amount pursuant to their agreement.

Count II - *Quantum Meruit*

13. Paragraphs one through ten of Count I are republished herein as though written out in full.
14. Dorel delivered certain goods to and performed certain services for Capco on the Project, which accepted and made use of same.
15. Client is therefore entitled to recover said sum from Capco on the theory of *quantum meruit*.

Wherefore, Dorel demands judgment from Capco in the amount of its damages plus costs and interest.

Count Three — Reach and Apply Relief

16. The Reach and Apply Defendant, Canam Steel Corporation, ("Canam") is an corporation organized and existing under the laws of the State of Delaware and maintains a place of business at 4010 Clay Street, P.O. Box C-285, Point of Rocks, MD 21777.

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no.

Dorel Steel Erection Corporation)
Plaintiff)
)
vs.)
)
Capco Steel Corporation)
Defendant)
and)
)
Canam Steel Corporation)
Reach and Apply Defendant)

**Affidavit in Support of
Plaintiff's Motion for Preliminary Injunction**

Now comes the below-signed affiant and under pain and penalties of perjury does depose and say:

1. I am the president of the Plaintiff in this action.
2. The Defendant owes the Plaintiff the amount sought in the Verified Complaint herein.
3. I am unaware and do not believe that there is any liability insurance which may be available to pay any part of this amount.
4. To the best of my knowledge, information, and belief, the Defendant has no valid defense to this action, and there is a reasonable likelihood that the Plaintiff will recover judgment, including costs and interest, in at least the amount of the attachment.
5. To the best of my knowledge, information, and belief, there is a clear danger that the Defendant, if notified in advance of the attachment, will withdraw his funds from the custody and possession of the Trustee and will conceal or dissipate them. In support of this contention, the Plaintiff states that the Defendant has refused or neglected to pay the amount demanded by the Plaintiff despite numerous demands.

17. According to the records of the Department of Corporations of the Secretary of the Commonwealth, Canam has registered to do business within the Commonwealth and has designated CT Corporation System of 1010 Federal Street, Boston, MA 02110, as its Resident Agent to accept service of process.
18. The Plaintiff is informed and believes that Capco is or will become owed money from Canam for the Project and possibly on other projects. Said assets are not subject to attachment or to be taken on execution.
19. Pursuant to G.L. c. 213, §3(6), the Plaintiff seeks to reach and apply any such funds due or to become due from Canam.
20. The Plaintiff is reliably informed and believes that Capco has failed or refused to pay other suppliers of labor and/or materials on this and other projects and knows that Capco has failed or refused to pay Dorel on this and several other projects.
21. The Plaintiff would suffer immediate and irreparable injury, loss, or damage should the temporary restraining order/preliminary injunction sought herein is not granted.
22. The Plaintiff does not have an adequate remedy at law.

Wherefore, the Plaintiff prays that this Honorable Court provide the following relief.

- A. enter judgment for Dorel Steel Erection Corporation against Capco Steel Corporation in the amount of \$400,000.00 or in such other sum as determined by the Court;
- B. issue a temporary restraining order prohibiting the reach and apply defendant, Canam Steel Corporation from paying or in any way withdrawing, assigning, encumbering, or alienating any of the funds due or to become due to the Defendant, Capco Steel Corporation;
- C. after notice and hearing, issue a preliminary injunction prohibiting the reach and apply defendant, Canam Steel Corporation from paying or in any way withdrawing, assigning, encumbering, or alienating any of the funds due or to become due to the Defendant, Capco Steel Corporation;
- D. determine the amount due from Capco Steel Corporation to Dorel Steel Erection Corporation to be \$400,000.00 or such other sum as determined by the Court plus costs and attorney's fees;
- E. order that said amount be reached and applied in satisfaction of the indebtedness from Capco Steel Corporation to Dorel Steel Erection Corporation.

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no.

Dorel Steel Erection Corporation
Plaintiff

vs.

Capco Steel Corporation
Defendant

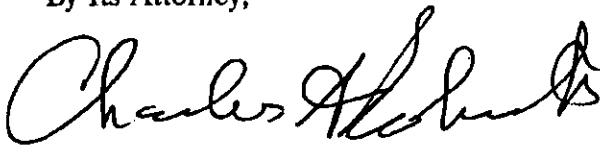
and

Canam Steel Corporation
Reach and Apply Defendant

Motion for Preliminary Injunction

Now comes the Plaintiff in the above-captioned action, pursuant to Rule 65 of the Massachusetts Rules of Civil Procedure, and respectfully moves this Honorable Court to order prohibiting the reach and apply defendant, Canam Steel Corporation from paying or in any way withdrawing, assigning, encumbering, or alienating any of the funds due or to become due to the Defendant, Capco Steel Corporation, up to a limit of \$400,000.00

By Its Attorney,



Charles A. Robert, Esq.
BBO No. 422200
Law Offices of Scott W. Wynn
BBO No. 551063
254 Main Street
P.O. Box 290009
Charlestown, MA 02129
Telephone (617) 241-5544
Telefax (617) 242-7675

RECEIVED

MAR 25 2005

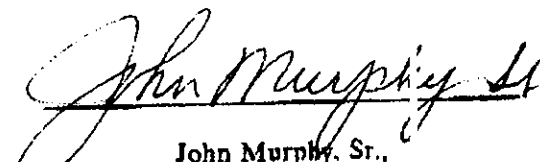
RECEIVED
CAPCO STEEL DIVISION

F. for such further relief as to the Court may seem meet and just.

Verification

I, John Murphy, Sr., do hereby swear under pain and penalties of perjury that I am the president Plaintiff herein, that I have read the foregoing Complaint, and that the allegations contained therein are true to the best of my knowledge, information, and belief.

Signed this 21st day of March, 2005.

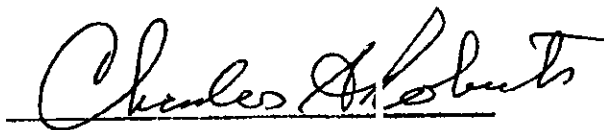


John Murphy, Sr.,
President of Dorel Steel Erection Corporation

Commonwealth of Massachusetts
County of Norfolk, SS.

March 21, 2005

Then personally appeared the above-named individual and made oath that the statements contained herein are true to the best of his knowledge, information, and belief.



Notary Public
My Commission Expires:

8/14/09

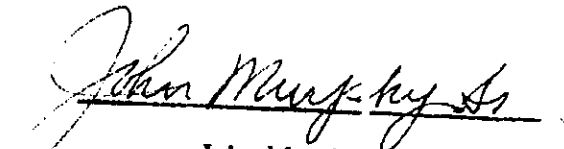
02/28/2005 14:12 6172427676

SCOTT W WYNN

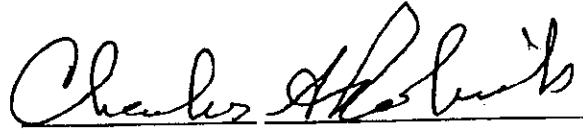
PAGE 09

Signed this 21st day of March, 2005,

under pain and penalties of perjury,


John Murphy, Sr.,
President of Dorel Steel Erection Corporation

By Its Attorney,

A handwritten signature in black ink, appearing to read "Charles A. Roberts", is written over a horizontal line.

Charles A. Roberts, Esq.
BBO No. 422200
Law Offices of Scott W. Wynn
BBO No. 551063
254 Main Street
P.O. Box 290009
Charlestown, MA 02129
Telephone (617) 241-5544
Telefax (617) 242-7675

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no.

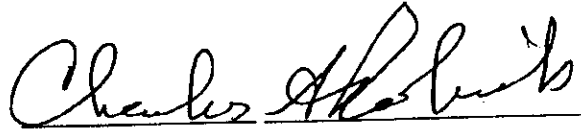
Dorel Steel Erection Corporation)
Plaintiff)
)
vs.)
)
Capco Steel Corporation)
Defendant)
and)
)
Canam Steel Corporation)
Reach and Apply Defendant)

**Affidavit in Support of
Plaintiff's Motion for Temporary Restraining Order**

Now comes the below-signed affiant and under pain and penalties of perjury does depose and say:

1. I am the president of the Plaintiff in this action.
2. The Defendant owes the Plaintiff the amount sought in the Verified Complaint herein.
3. I am unaware and do not believe that there is any liability insurance which may be available to pay any part of this amount.
4. To the best of my knowledge, information, and belief, the Defendant has no valid defense to this action, and there is a reasonable likelihood that the Plaintiff will recover judgment, including costs and interest, in at least the amount of the attachment.
5. To the best of my knowledge, information, and belief, there is a clear danger that the Defendant, if notified in advance of the attachment, will withdraw his funds from the custody and possession of the Trustee and will conceal or dissipate them. In support of this contention, the Plaintiff states that the Defendant has refused or neglected to pay the amount demanded by the Plaintiff despite numerous demands.

By Its Attorney,

A handwritten signature in cursive script, appearing to read "Charles A. Roberts", written over a horizontal line.

Charles A. Roberts, Esq.
BBO No. 422200
Law Offices of Scott W. Wynn
BBO No. 551063
254 Main Street
P.O. Box 290009
Charlestown, MA 02129
Telephone (617) 241-5544
Telefax (617) 242-7675

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no.

05 00102

Dorel Steel Erection Corporation
Plaintiff

vs.

Capco Steel Corporation
Defendant

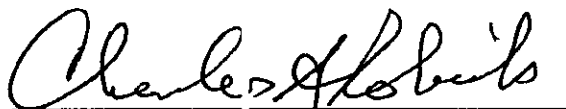
and

Canam Steel Corporation
Reach and Apply Defendant

Motion for Temporary Restraining Order

Now comes the Plaintiff in the above-captioned action, pursuant to Rule 65 of the Massachusetts Rules of Civil Procedure, and respectfully moves this Honorable Court to order prohibiting the reach and apply defendant, Canam Steel Corporation from paying or in any way withdrawing, assigning, encumbering, or alienating any of the funds due or to become due to the Defendant, Capco Steel Corporation, up to a limit of \$400,000.00

By Its Attorney,



Charles A. Roberts, Esq.
BBO No. 422200
Law Offices of Scott W. Wynn
BBO No. 551063
254 Main Street
P.O. Box 290009
Charlestown, MA 02129
Telephone (617) 241-5544
Telefax (617) 242-7675

RECEIVED

MAR 25 2005

CAPCO STEEL CORPORATION
REACH AND APPLY DIVISION

T.R.O. granted under Prayer D. 5/0/N to name on P/I. (See order)
3/22/05 Charles A. Roberts
3/22/05 Charles A. Roberts